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SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR

W. P. (C) NO. 6824 /2006

PETITIONER:-

Smt. Phagni Bai Awade
W/o.- Pawan Kumar Awade, Aged about 40 years, Sarpanch, R/o. Gram Panchayat Akolikala, Village Lingiyadih, Post Chhatera, Tahsil Arang District Raipur (C.G.)

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VERSUS

RESPONDENTS:-

1) State of Chhattisgarh
Through:- Secretary
Ministry of Panchayat and Welfare Department, Mantralaya D.K.S. Bhawan, Raipur (C.G.)

P.R. No. 6231/06
Presented by Shri Vivek Pathak
dated 25/11/06

2) Sub Divisional Officer
Raipur (C.G.)

3) Chief Executive Officer,
Tahsil Arang, District Raipur (C.G.)

4) Up Sarpanch
Gram Panchayat Akolikala,
Tahsil Arang, District Raipur (C/.G.)

5) The Collector, Raipur
Distt- Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THECONSTITUTION OF INDIA

(R/2)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 6824 of 2006

Petitioner Smt. Phagni Bai Awade

Versus

Respondents State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Shri Y.C. Sharma, Advocate for the petitioner.

Shri N.K. Agrawal, Deputy Advocate General for the respondents No. 1, 2 and 5/State.

ORDER

(Passed on 7th day of December, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner was elected Sarpanch of Gram Panchayat Akolikala, Tahsil Arang, District Raipur (C.G.). A proposal for no confidence motion was moved against the petitioner with prior notice on 21.4.2006. The motion was passed against the petitioner by 12 members out of 15 members of the Gram Panchayat. 3 members voted in favour of the petitioner, in the meeting dated 21.4.2006. The petitioner has filed this petition impugning the order of the Collector dated 30.10.2006 (Annexure P/1), wherein the Collector has held that the Tahsildar and Nayab Tahsildar are Revenue Officers, as such, it cannot be held that the meeting was not

presided over by the person who was authorized by the specified officer i.e. Sub-Divisional Officer, Raipur.

2. Learned counsel appearing for the petitioner submits that the no confidence motion is null and void as the same was not presided over by a person who was authorized by the specified officer. The Nayab Tahsildar, who may be Revenue Officer, but was not authorized officer by the specified officer.

3. Be that as it may, it is admitted that the resolution was passed by overwhelming majority and the no confidence motion against the petitioner was carried out by 12 votes against 3 votes. This Court in Ghanshyam Yadav vs. Rameshwar Sahu & others (W.P. No. 6774 of 2006) has held that in the event, the resolution is passed by overwhelming majority, the no confidence motion cannot be declared null and vide. The facts of this case are similar to that of W.P. No. 6774 of 2006.

4. Thus, the writ petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash